



PRELIMINARY DRAFT

No. 3042

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 5-10; IC 5-10.2; IC 5-10.3; IC 5-10.4; IC 9-31-1-7; IC 10-12; IC 10-17-1-1.3; IC 10-19-6-4; IC 14-9-7-5; IC 16-19-1-4; IC 16-20-1; IC 21-14-7-1; IC 22-4-18-8; IC 33-38; IC 33-39-7-1.5; IC 36-8; numerous noncode provisions.

Synopsis: Noncode statutes. Codifies certain noncode provisions relating to government employees and pensions. Repeals the corresponding noncode provisions. Repeals without codification the following noncode statutes: (1) A 1985 statute, a 1986 statute, and a 1987 statute relating to the ability of public employees to be candidates for and to hold a public office. (2) A 1986 statute about the application of an act to members of public retirement funds. (3) A 1987 statute stating when salary increases for state officers become effective. (4) A 1989 statute providing for an additional subsistence allowance for certain officers of the house of representatives. (5) A 1990 statute providing for an additional subsistence allowance for certain officers of the senate. (6) Two 1995 statutes making appropriations to the state police pension fund for certain purposes. (7) A 1996 statute amending a provision of the budget act about distributions for teacher retirement and social security benefits. (8) A 2001 statute relating to appointment of members of the PERF board of trustees.

Effective: July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-1.1-1.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: **Sec. 1.3. The actions taken by a school**
4 **corporation before January 1, 1988, to:**

5 (1) **establish an employee savings plan that is a defined**
6 **contribution plan qualified under Section 401(a) of the**
7 **Internal Revenue Code; and**

8 (2) **contribute amounts to the employee savings plan on behalf**
9 **of the employee, with those amounts to be credited and**
10 **allocated to the employee;**

11 **are legalized.**

12 SECTION 2. IC 5-10-5.5-0.1 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. (a) As used in this section,**
15 **"plan" refers to the state excise police, gaming agent, gaming**
16 **control officer, and conservation enforcement officers' retirement**
17 **plan established by section 2 of this chapter.**

18 (b) **The addition of section 7.5 of this chapter and the**
19 **amendments made to section 8 of this chapter by P.L.180-2007**
20 **apply after June 30, 2007, to active participants of the plan.**

21 (c) **The amendments made to sections 10, 11, and 12 of this**
22 **chapter by P.L.180-2007 apply to participants of the plan who**
23 **retire after June 30, 2007.**

24 (d) **The amendments made to sections 7 and 13.5 of this chapter**
25 **by P.L.180-2007 apply to participants of the plan who become**
26 **disabled after June 30, 2007.**

27 (e) **The amendments made to sections 9 and 10 of this chapter,**
28 **and the addition of section 22 of this chapter by P.L.128-2008 apply**
29 **only to a participant in the plan who is in active service after June**
30 **30, 2008.**

31 SECTION 3. IC 5-10-8-7.2 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7.2. **(a) This section, as added by P.L.35-1992, applies to a contract between the state and a prepaid health care delivery plan that is entered into or renewed after June 30, 1992.**

~~(a)~~ **(b)** As used in this section, "breast cancer diagnostic service" means a procedure intended to aid in the diagnosis of breast cancer. The term includes procedures performed on an inpatient basis and procedures performed on an outpatient basis, including the following:

- (1) Breast cancer screening mammography.
- (2) Surgical breast biopsy.
- (3) Pathologic examination and interpretation.

~~(b)~~ **(c)** As used in this section, "breast cancer outpatient treatment services" means procedures that are intended to treat cancer of the human breast and that are delivered on an outpatient basis. The term includes the following:

- (1) Chemotherapy.
- (2) Hormonal therapy.
- (3) Radiation therapy.
- (4) Surgery.
- (5) Other outpatient cancer treatment services prescribed by a physician.
- (6) Medical follow-up services related to the procedures set forth in subdivisions (1) through (5).

~~(c)~~ **(d)** As used in this section, "breast cancer rehabilitative services" means procedures that are intended to improve the results of or to ameliorate the debilitating consequences of the treatment of breast cancer and that are delivered on an inpatient or outpatient basis. The term includes the following:

- (1) Physical therapy.
- (2) Psychological and social support services.
- (3) Reconstructive plastic surgery.

~~(d)~~ **(e)** As used in this section, "breast cancer screening mammography" means a standard, two (2) view per breast, low-dose radiographic examination of the breasts that is:

- (1) furnished to an asymptomatic woman; and
- (2) performed by a mammography services provider using equipment designed by the manufacturer for and dedicated specifically to mammography in order to detect unsuspected breast cancer.

The term includes the interpretation of the results of a breast cancer screening mammography by a physician.

~~(e)~~ **(f)** As used in this section, "covered individual" means a female individual who is:

- (1) covered under a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or
- (2) entitled to services under a contract with a health maintenance



organization (as defined in IC 27-13-1-19) that is entered into or renewed under section 7(c) of this chapter.

~~(f)~~ **(g)** As used in this section, "mammography services provider" means an individual or facility that:

- (1) has been accredited by the American College of Radiology;
- (2) meets equivalent guidelines established by the state department of health; or
- (3) is certified by the federal Department of Health and Human Services for participation in the Medicare program (42 U.S.C. 1395 et seq.).

~~(g)~~ **(h)** As used in this section, "woman at risk" means a woman who meets at least one (1) of the following descriptions:

- (1) A woman who has a personal history of breast cancer.
- (2) A woman who has a personal history of breast disease that was proven benign by biopsy.
- (3) A woman whose mother, sister, or daughter has had breast cancer.
- (4) A woman who is at least thirty (30) years of age and has not given birth.

~~(h)~~ **(i)** A self-insurance program established under section 7(b) of this chapter to provide health care coverage must provide covered individuals with coverage for breast cancer diagnostic services, breast cancer outpatient treatment services, and breast cancer rehabilitative services. The coverage must provide reimbursement for breast cancer screening mammography at a level at least as high as:

- (1) the limitation on payment for screening mammography services established in 42 CFR 405.534(b)(3) according to the Medicare Economic Index at the time the breast cancer screening mammography is performed; or
- (2) the rate negotiated by a contract provider according to the provisions of the insurance policy;

whichever is lower. The costs of the coverage required by this subsection may be paid by the state or by the employee or by a combination of the state and the employee.

~~(i)~~ **(j)** A contract with a health maintenance organization that is entered into or renewed under section 7(c) of this chapter must provide covered individuals with breast cancer diagnostic services, breast cancer outpatient treatment services, and breast cancer rehabilitative services.

~~(j)~~ **(k)** The coverage required by subsection ~~(h)~~ **(i)** and services required by subsection ~~(i)~~ **(j)** may not be subject to dollar limits, deductibles, or coinsurance provisions that are less favorable to covered individuals than the dollar limits, deductibles, or coinsurance provisions applying to physical illness generally under the self-insurance program or contract with a health maintenance organization.



~~(k)~~ **(l)** The coverage for breast cancer diagnostic services required by subsection ~~(h)~~ **(i)** and the breast cancer diagnostic services required by subsection ~~(i)~~ **(j)** must include the following:

(1) In the case of a covered individual who is at least thirty-five (35) years of age but less than forty (40) years of age, at least one

(1) baseline breast cancer screening mammography performed upon the individual before she becomes forty (40) years of age.

(2) In the case of a covered individual who is:

(A) less than forty (40) years of age; and

(B) a woman at risk;

at least one (1) breast cancer screening mammography performed upon the covered individual every year.

(3) In the case of a covered individual who is at least forty (40) years of age, at least one (1) breast cancer screening mammography performed upon the individual every year.

(4) Any additional mammography views that are required for proper evaluation.

(5) Ultrasound services, if determined medically necessary by the physician treating the covered individual.

~~(h)~~ **(m)** The coverage for breast cancer diagnostic services required by subsection ~~(h)~~ **(i)** and the breast cancer diagnostic services required by subsection ~~(i)~~ **(j)** shall be provided in addition to any benefits specifically provided for x-rays, laboratory testing, or wellness examinations.

SECTION 4. IC 5-10-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 16. The amendments made to section 2 of this chapter (before its repeal), section 3 of this chapter (before its repeal), and IC 20-6.1-5-14 (before its repeal) by P.L.46-1985 do not affect contracts:**

(1) entered into before; and

(2) in effect on;

July 1, 1986.

SECTION 5. IC 5-10-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 17. The benefits accrued by an employee under 31 IAC 1-9-5 (before its repeal) or 31 IAC 2-11-6 (before its repeal) that are unused after June 30, 1989, may be used by the employee after June 30, 1989, in accordance with the rules required by section 7(d) of this chapter, as amended by P.L.27-1988. The rules required by section 7(d) of this chapter, as amended by P.L.27-1988, must provide that an employee who:**

(1) is subject to section 7(d) of this chapter; and

(2) has less than five (5) years of continuous full-time employment after June 30, 1989;

will be credited with special sick leave on a pro rata basis after



June 30, 1989.

SECTION 6. IC 5-10-8-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 18. Payment of the deductible portion of group health insurance by a public employer before July 1, 1989, is legalized.**

SECTION 7. IC 5-10-8.5-18, AS AMENDED BY P.L.124-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 18. (a) The amendments made to this section by P.L.124-2008 apply to premiums paid after July 31, 2007, for individual or group health coverage for a retired participant and the spouse and dependents of a retired participant.**

(b) The balance in a retired participant's subaccount may be used by the retired participant and the spouse and dependents of the retired participant to pay premiums for individual or group health coverage.

SECTION 8. IC 5-10-10-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6.5. Notwithstanding section 6 of this chapter, the amount of the special death benefit payable under this chapter, as amended by P.L.66-2000, to the surviving spouse of a probation officer who died in the line of duty after April 27, 1997, and before January 1, 1998, is one hundred fifty thousand dollars (\$150,000).**

SECTION 9. IC 5-10.2-2-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 18.5. Section 18 of this chapter, as added by P.L.224-2003, applies only to investments made after June 30, 2003.**

SECTION 10. IC 5-10.2-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. The amendments made to section 3 of this chapter by P.L.95-2004 apply only to members of the Indiana state teachers' retirement fund who retire after May 31, 2004.**

SECTION 11. IC 5-10.2-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. The amendment made by P.L.45-1988 to STEP TWO of section 4(b) of this chapter (formerly section 4(a) of this chapter):**

(1) applies only to retirement benefits paid after March 3, 1988; and

(2) does not require retroactive increases in any benefits paid before March 3, 1988.

SECTION 12. IC 5-10.2-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6.5. (a) The board may consider a claim for benefits under section 6(a) of this chapter, as amended by P.L.22-1998, even if the disability of the member making the**



claim arose from events occurring after March 31, 1994, and before April 2, 1998. A benefit claim approved by the board under this section is payable after the later of April 1, 1998, or the date of the member's claim.

(b) The amendments made to section 6 of this chapter by P.L.124-2008 apply to disability retirement benefits payable by the Indiana state teachers' retirement fund and the public employees' retirement fund after December 31, 2007.

SECTION 13. IC 5-10.2-4-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 8.5.** The amendments made to section 8 of this chapter by P.L.62-2005 apply to:

(1) fiscal years that begin after June 30, 2005, for teachers' retirement fund members; and

(2) calendar years that begin after December 31, 2005, for public employees' retirement fund members.

SECTION 14. IC 5-10.3-2-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.** If before June 1, 1985, the board approved a member's choice of retirement date that preceded the member's application for benefits, payments made as a result of the choice of retirement date are legalized.

SECTION 15. IC 5-10.3-2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a)** If the board, the state, or a political subdivision denied, after December 31, 1986, an employee of the state or the political subdivision who was sixty (60) years of age or older the option not to join the fund, the denial is validated.

(b) Actions taken by the board before March 5, 1988, that would have been valid under IC 5-10.3-7-3(a), as amended by P.L.46-1988, are validated.

SECTION 16. IC 5-10.3-7-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.3.** Actions taken before April 16, 1987, that would have been valid under section 2 of this chapter, as amended by P.L.62-1987, are legalized and validated.

SECTION 17. IC 5-10.3-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a)** The amendments made to this section by P.L.184-2001 apply only to members of the public employees' retirement fund or the Indiana state teachers' retirement fund who retire after June 30, 2001.

~~(a)~~ (b) A member who:

(1) enters the United States armed services;

(2) leaves his the member's contributions in the fund;

(3) except as provided in subsection ~~(c)~~, (d), resumes service with his the member's employer within one hundred twenty (120)



1 days after ~~his~~ **the member's** unconditional discharge; and
 2 (4) would be entitled to service credit for military service under
 3 the Uniformed Services Employment and Reemployment Rights
 4 Act (38 U.S.C. 4301 et seq.) if the member had resumed service
 5 with the member's employer within ninety (90) days after
 6 discharge;

7 is entitled to service credit for the armed service.

8 ~~(b)~~ **(c)** A state employee who left employment before January 1,
 9 1946, or an employee of a political subdivision who left employment
 10 before the participation date, to enter the United States armed services
 11 is entitled to service credit for the armed service if ~~he~~ **the employee:**

12 (1) except as provided in subsection ~~(c)~~ **(d)**, resumes service with
 13 the employer within one hundred twenty (120) days after ~~his~~ **the**
 14 **employee's** unconditional discharge; and

15 (2) would be entitled to service credit for military service under
 16 the applicable requirements of federal law in effect at the time of
 17 reemployment if the employee had resumed service with the
 18 employee's employer within ninety (90) days after discharge.

19 ~~(c)~~ **(d)** The board shall extend the one hundred twenty (120) day
 20 reemployment requirement contained in subsection ~~(a)(3)~~ **(b)(3)** or
 21 ~~(b)(1)~~ **(c)(1)** if the board determines that an illness, an injury, or a
 22 disability related to the member's military service prevented the
 23 member from resuming employment within one hundred twenty (120)
 24 days after the member's discharge from military service. However, the
 25 board may not extend the deadline beyond thirty (30) months after the
 26 member's discharge.

27 ~~(d)~~ **(e)** If a member retires and the board subsequently determines
 28 that the member is entitled to additional service credit due to the
 29 extension of a deadline under subsection ~~(c)~~ **(d)**, the board shall
 30 recompute the member's benefit. However, the additional service credit
 31 may be used only in the computation of benefits to be paid after the
 32 date of the board's determination, and the member is not entitled to a
 33 recomputation of benefits received before the date of the board's
 34 determination.

35 ~~(e)~~ **(f)** Notwithstanding any provision of this section, a member is
 36 entitled to service credit and benefits in the amount and to the extent
 37 required by the Uniformed Services Employment and Reemployment
 38 Rights Act (38 U.S.C. 4301 et seq.).

39 ~~(f)~~ **(g)** Subject to the provisions of this section, an active member
 40 may purchase not more than two (2) years of service credit for the
 41 member's service on active duty in the armed services if the member
 42 meets the following conditions:

43 (1) The member has at least one (1) year of credited service in the
 44 fund.

45 (2) The member serves on active duty in the armed services of the
 46 United States for at least six (6) months.



(3) The member receives an honorable discharge from the armed services.

(4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of the following:

(i) The member's salary at the time the member actually makes a contribution for the service credit.

(ii) A rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(iii) The number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

~~(g)~~ **(h)** The following apply to the purchase of service credit under subsection ~~(f)~~ **(g)**:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 18. IC 5-10.3-7-9.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2011]: **Sec. 9.6. (a) The state shall initiate the contributions required by section 9 of this chapter, as amended by P.L.35-1985, as part of salary and fringe benefit adjustments provided for state employees after June 30, 1986.**

(b) The state shall initiate the contributions required by section 9 of this chapter for each governor, lieutenant governor, attorney general, and state superintendent of public instruction elected or appointed to office after November 7, 1988.

(c) The state shall initiate, for compensation paid after June 30, 1987, the contributions required under section 9 of this chapter for the following persons whose compensation is paid in whole or in part from state funds:

(1) Prosecuting attorneys.

(2) Deputy prosecuting attorneys.

(3) Juvenile court referees and full-time magistrates appointed under IC 31-6-9-2 (before its repeal, now codified at IC 31-31-3).

(4) The master commissioners and full-time magistrates appointed under IC 33-4-1-2.1 (before its repeal, now codified at IC 33-33-2-3), IC 33-4-1-74.3 (before its repeal, now codified at IC 33-33-75-2), IC 33-4-1-75.1 (as amended by P.L.378-1987(ss), before its repeal, now codified at IC 33-33-71-3), and IC 33-4-1-82.1 (before its repeal, now codified at IC 33-33-82-3).

(5) The court commissioner and a full-time magistrate appointed under IC 33-5-29.5-7.1 (as amended by P.L.378-1987(ss), before its repeal, now codified at IC 33-33-45-10).

SECTION 19. IC 5-10.3-8-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) This section applies to monthly benefits payable by the public employees' retirement fund after December 31, 2002.

(~~a~~) (b) The pension portion (plus postretirement increases to the pension portion) provided by employer contributions of the monthly benefit payable to a member of the fund (or to a survivor or beneficiary of a member of the fund) shall be increased beginning on January 1, 2003, by the lesser of:

(1) two percent (2%); or

(2) the annual cost of living adjustment computed under 42 U.S.C. 415 and published in the Federal Register in accordance with 42 U.S.C. 215(i)(2)(D).

(~~b~~) (c) The increase described in subsection (~~a~~) (b) is payable to a member of the fund (or to a survivor or beneficiary of a member of the fund) who has been retired or disabled for at least one (1) year on January 1, 2003.

SECTION 20. IC 5-10.4-1-17 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2011]: **Sec. 17. If before June 1, 1985, the board approved a member's choice of retirement date that preceded the member's application for benefits, payments made as a result of the choice of retirement date are legalized.**

SECTION 21. IC 5-10.4-1-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2011]: **Sec. 18. (a) The definitions in IC 21-6.1-1 (before its repeal, now codified in this chapter) apply throughout this section.**

(b) Notwithstanding IC 21-6.1-4-5 (as amended by P.L.214-1995, before its repeal, now codified at IC 5-10.4-4-7), and IC 21-6.1-4-13(a) (as added by P.L.214-1995, before its repeal, now codified at IC 5-10.4-4-14), and subject to IC 21-6.1-4-13(b) (as added by P.L.214-1995, before its repeal, now codified at IC 5-10.4-4-14), a member who accrued creditable service before January 1, 1995, for leave for other educational employment approved by the board:

- (1) retains the creditable service accrued before January 1, 1995, resulting from the leave for other educational employment that was approved by the board; and**
- (2) continues to accrue creditable service after December 31, 1994, resulting from the leave for other educational employment that was approved before January 1, 1995, by the board.**

SECTION 22. IC 5-10.4-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. The board shall adjust the employer contribution rate for the Indiana state teachers' retirement fund to take into account any actuarial savings resulting from the amendment to IC 21-6.1-2-2 (before its repeal, now codified at section 2 of this chapter) by P.L.291-2001.**

SECTION 23. IC 5-10.4-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2011]: **Sec. 5.5. The board shall allocate from the pension stabilization fund (IC 21-6.1-2-8, before its repeal, now codified at section 5 of this chapter) to the fund's 1996 account an amount equal to the unfunded liability for individuals who were members of the fund's pre-1996 account before July 1, 1995, (and survivors and beneficiaries of these members) who after June 30, 1995, became members of the Indiana state teachers' retirement fund's 1996 account.**

SECTION 24. IC 5-10.4-4-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2011]: **Sec. 8.5. (a) The amendments made to IC 21-6.1-4-6.1, (before its repeal, now codified at section 8 of this**



chapter) by P.L.184-2001, apply only to members of the public employees' retirement fund or the Indiana state teachers' retirement fund who retire after June 30, 2001.

(b) The amendments made to section 8 of this chapter by P.L.201-2007, apply to members of the Indiana state teachers' retirement fund who retire after June 30, 2007.

SECTION 25. IC 5-10.4-5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5.5. Actions taken by the public schools after December 31, 1986, and before March 5, 1988, that would have been valid under IC 21-6.1-5-6 (before its repeal), as amended by P.L.46-1988, are validated.**

SECTION 26. IC 5-10.4-5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 9.5. The amendments made to IC 21-6.1-5-9 (before its repeal, now codified at section 9 of this chapter) by P.L.190-2003, apply to retirement benefits payable by the Indiana state teachers' retirement fund after June 30, 2003.**

SECTION 27. IC 9-31-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 7. (a) On January 1, 1992, the employees of the department of natural resources who administer the watercraft registration and title programs are transferred to the bureau of motor vehicles.**

(b) The employees who are transferred under subsection (a) are entitled to have the employees' service with the department of natural resources included for the purpose of computing all applicable employment benefits and will not be adversely affected by the transfer.

SECTION 28. IC 10-12-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 12. IC 10-1-2-11 (before its repeal, now codified at section 11 of this chapter), as added by P.L.69-2002, applies to the child or spouse of a regular, paid police employee of the state police department if the regular police employee of the state police department was permanently and totally disabled by a catastrophic personal injury that:**

(1) was sustained in the line of duty; and

(2) permanently prevents the employee from performing any gainful work;

before, on, or after July 1, 2002.

SECTION 29. IC 10-12-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. (a) The amendments made to sections 3 and 4 of this chapter by P.L.5-2008 apply to supplemental benefits payable after June 30, 2007, to retired**



employee beneficiaries of the state police pre-1987 retirement system established under IC 10-12-3.

(b) The payment of a supplemental benefit recomputed under sections 3 and 4 of this chapter, as amended by P.L.5-2008, for the period after June 30, 2007, and before the date on which the recomputed supplemental benefit is first paid, must be reduced by the amount of any supplemental benefit computed and paid after June 30, 2007, under sections 3 and 4 of this chapter before those sections were amended by P.L.5-2008.

SECTION 30. IC 10-17-1-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.3. The amendments made to sections 5 and 9 of this chapter and the addition of section 11 of this chapter by P.L.144-2007, apply to employees who begin employment with:**

(1) the Indiana department of veterans' affairs; or

(2) a county or a city under section 9 of this chapter as amended by P.L.144-2007;

as applicable, after June 30, 2007.

SECTION 31. IC 10-19-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4. (a) On July 1, 1990, the employees of the state emergency management agency established under IC 10-8-2-1 (before its repeal, later codified at IC 10-14-2-1, (before its repeal)), shall initially be composed of the employees of:**

(1) the department of civil defense created under IC 10-4-1-5(a) (before its repeal); and

(2) the Indiana emergency medical services commission created under IC 16-1-39-3 (before its repeal);

who are employed on June 30, 1990, by those two (2) agencies.

(b) The employees of the department of civil defense who are transferred to the state emergency management agency under subsection (a) are entitled to have the employee's service under the department of civil defense included for the purpose of computing:

(1) retention points under IC 4-15-2-32 in the event of a layoff; and

(2) all other applicable employment benefits.

SECTION 32. IC 14-9-7-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) This section applies only to salaries paid for pay periods beginning after June 30, 2008.**

(b) As used in this section, "district forester" means any position on the state staffing table with a job code of "001LE2" and a description of "Forester Specialist 2".

(c) As used in this section, "natural sciences manager" means any position on the state staffing table with a job code of



1 **"00ENS7" and a description of "Natural Sciences Manager E7".**

2 **(d) As used in this section, "state staffing table" means a**
 3 **position classification plan and salary and wage schedule adopted**
 4 **by the state personnel department (established by IC 4-15-1.8-2)**
 5 **under IC 4-15-1.8-7.**

6 **(e) For pay periods beginning after June 30, 2008, the state**
 7 **personnel department shall equalize the salary and wage schedules**
 8 **for the positions of district forester and natural sciences manager**
 9 **so that both positions share the higher of the two (2) wage and**
 10 **salary schedules for these positions existing on April 1, 2008. For**
 11 **pay periods beginning after June 30, 2008, the department shall**
 12 **increase the wages and salaries of all district foresters and natural**
 13 **sciences managers to bring the wages and salaries into conformity**
 14 **with the salary and wage schedules required by this section.**

15 **SECTION 33. IC 16-19-1-4 IS ADDED TO THE INDIANA CODE**
 16 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 17 **1, 2011]: Sec. 4. Employees of the division of services for crippled**
 18 **children of the state department of public welfare who are**
 19 **employed on June 30, 1990, and who become employees of the state**
 20 **board of health under P.L.344-1989 are entitled to have their**
 21 **service under the division of services for crippled children of the**
 22 **state department of public welfare included for the purposes of**
 23 **computing:**

24 **(1) retention points under IC 4-15-2-32 in the event of a**
 25 **layoff; and**

26 **(2) all other applicable employment and retirement benefits.**

27 **SECTION 34. IC 16-20-1-29 IS ADDED TO THE INDIANA**
 28 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 29 **[EFFECTIVE JULY 1, 2011]: Sec. 29. (a) The employees of a local**
 30 **health department under IC 16-1-5 (before its repeal), IC 16-1-6**
 31 **(before its repeal), or IC 16-1-7 (before its repeal) become**
 32 **employees of the local health department established under**
 33 **IC 16-1-3.8 (before its repeal, now codified at IC 16-20-2) or**
 34 **IC 16-1-3.9 (before its repeal, now codified at IC 16-20-3) under**
 35 **P.L.40-1989.**

36 **(b) P.L.40-1989 does not affect the vacation, sick leave,**
 37 **insurance, or retirement benefits acquired by an employee of a**
 38 **local health department under IC 5-10.3, IC 16-1-5 (before its**
 39 **repeal), IC 16-1-6 (before its repeal), or IC 16-1-7 (before its**
 40 **repeal).**

41 **SECTION 35. IC 16-20-1-30 IS ADDED TO THE INDIANA**
 42 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 43 **[EFFECTIVE JULY 1, 2011]: Sec. 30. (a) In a county having a**
 44 **population:**

45 **(1) of more than two hundred seventy thousand (270,000) and**
 46 **less than four hundred thousand (400,000); and**



(2) as reported by the 1980 decennial census; employees who were employees of a city-county health department under IC 16-1-7-16 (before its repeal) on December 31, 1985, are entitled to the benefits relating to vacation, sick leave, insurance, and clothing allowance permitted under IC 16-1-7-16 (before its repeal).

(b) The benefits provided under subsection (a) are subject to satisfactory job performance.

SECTION 36. IC 21-14-7-1, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This chapter applies to an individual:

(1) whose father, mother, or spouse:

(A) was a member of the Indiana National Guard; and

(B) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

(2) who is eligible to pay the resident tuition rate (as determined by the state educational institution) at the state educational institution in which the individual is enrolled or will enroll; and

(3) who possesses the requisite academic qualifications.

(b) IC 20-12-19.7 (as added by P.L.157-2005, before its repeal, now codified in this chapter) applies to all individuals whose father, mother, or spouse:

(1) was a member of the Indiana National Guard; and

(2) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

whether the father's, mother's, or spouse's service connected death occurred before, on, or after July 1, 2005.

SECTION 37. IC 22-4-18-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Employees of the office of occupational development and the employment security division who are employed on July 1, 1987, remain as employees of the department of employment and training services created by P.L.18-1987. These employees shall be considered employees having permanent status for purposes of the state personnel act (IC 4-15-2).

(b) Employees of the office of occupational development who are employed on July 1, 1987, and who become employees of the department of employment and training services under this section are entitled to have their service under the office of occupational development included for the purpose of computing retention points under IC 4-15-2-32 in the event of a layoff.

SECTION 38. IC 33-38-5-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8.3. The amendments made to sections 6 and 8 of this chapter by P.L.159-2005 apply only to



1 **increase the part of an annual salary payable after June 30, 2005.**

2 **SECTION 39. IC 33-38-6.9 IS ADDED TO THE INDIANA CODE**
 3 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 4 **JULY 1, 2011]:**

5 **Chapter 6.9. Application of Certain Statutes to the 1977 and the**
 6 **1985 Retirement, Disability, and Death Systems**

7 **Sec. 1. As used in this chapter, "board" refers to the board of**
 8 **trustees of the public employees' retirement fund.**

9 **Sec. 2. IC 33-13-9.1-4 (before its repeal, now codified at**
 10 **IC 33-38-7-11), IC 33-13-10.1-7 (before its repeal, now codified at**
 11 **IC 33-38-8-14), IC 33-13-10.1-9 (before its repeal, now codified at**
 12 **IC 33-38-8-16), and IC 33-13-10.1-10 (before its repeal, now**
 13 **codified at IC 33-38-8-17), all as amended by P.L.282-1995, apply**
 14 **to all benefits paid under IC 33-13-9.1 (before its repeal, now**
 15 **codified at IC 33-38-7) and IC 33-13-10.1 (before its repeal, now**
 16 **codified at IC 33-38-8) after June 30, 1995, but do not require the**
 17 **board to recompute any benefits that were paid under IC 33-13-9.1**
 18 **(before its repeal, now codified at IC 33-38-7) or IC 33-13-10.1**
 19 **(before its repeal, now codified at IC 33-38-8), before July 1, 1995.**

20 **Sec. 3. The amendments made to IC 33-38-7-11 by P.L.28-2005**
 21 **apply:**

22 **(1) to participants in the judges' 1977 retirement, disability,**
 23 **and death benefit system regardless of whether the**
 24 **participants:**

25 **(A) retired before July 1, 2005; or**

26 **(B) retire after June 30, 2005; and**

27 **(2) only to benefits first payable after June 30, 2005.**

28 **Sec. 4. The amendments made to IC 33-38-8-13 by P.L.28-2005**
 29 **apply:**

30 **(1) to participants in the judges' 1985 retirement, disability,**
 31 **and death benefit system regardless of whether the**
 32 **participants:**

33 **(A) retired before July 1, 2005; or**

34 **(B) retire after June 30, 2005; and**

35 **(2) only to benefits first payable after June 30, 2005.**

36 **SECTION 40. IC 33-39-7-1.5 IS ADDED TO THE INDIANA**
 37 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 38 **[EFFECTIVE JULY 1, 2011]: Sec. 1.5. The amendments made to**
 39 **sections 15, 16, and 19 of this chapter by P.L.33-2006 apply to a**
 40 **participant in the fund who:**

41 **(1) is serving on July 1, 2006; or**

42 **(2) begins service after July 1, 2006;**

43 **in a position described in section 8 of this chapter.**

44 **SECTION 41. IC 36-8-6-8, AS AMENDED BY P.L.62-2006,**
 45 **SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 46 **JULY 1, 2011]: Sec. 8. (a) For a member who became disabled before**



July 1, 2000, the 1925 fund shall be used to pay a pension in a sum determined by the local board, but not exceeding:

(1) for a disability or disease occurring before July 1, 1982, fifty percent (50%); and

(2) for a disability or disease occurring after June 30, 1982, fifty-five percent (55%);

of the salary of a first class patrolman, to a member of the police department who has suffered or contracted a mental or physical disease or disability that renders the patrolman unable to perform the essential functions of any duty in the police department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act. If a member who becomes eligible for a disability pension has more than twenty (20) years of service, the member is entitled to receive a disability pension equal to the pension the member would have received if the member had retired on the date of the disability.

(b) Except as otherwise provided in this subsection, for a member who becomes disabled after June 30, 2000, the 1925 fund shall be used to pay a pension in a sum determined by the local board, but not exceeding fifty-five percent (55%) of the salary of a first class patrolman, to a member of the police department who has suffered or contracted a mental or physical disease or disability:

(1) that is:

(A) the direct result of:

(i) a personal injury that occurs while the fund member is on duty;

(ii) a personal injury that occurs while the fund member is off duty and is responding to an offense or a reported offense, in the case of a police officer; or

(iii) an occupational disease (as defined in IC 22-3-7-10), including a duty related disease that is also included within clause (B);

(B) a duty related disease (for purposes of this section, a "duty related disease" means a disease arising out of the fund member's employment. A disease is considered to arise out of the fund member's employment if it is apparent to the rational mind, upon consideration of all of the circumstances, that:

(i) there is a connection between the conditions under which the fund member's duties are performed and the disease;

(ii) the disease can be seen to have followed as a natural incident of the fund member's duties as a result of the exposure occasioned by the nature of the fund member's duties; and

(iii) the disease can be traced to the fund member's employment as the proximate cause); or

(C) a disability presumed incurred in the line of duty under



1 IC 5-10-13 or IC 5-10-15; and

2 (2) that renders the member unable to perform the essential
3 functions of any duty in the police department, considering
4 reasonable accommodation to the extent required by the
5 Americans with Disabilities Act.

6 If a member who becomes eligible for a disability pension has more
7 than twenty (20) years of service, the member is entitled to receive a
8 disability pension equal to the pension the member would have
9 received if the member had retired on the date of the disability.

10 (c) Except as otherwise provided in this subsection, for a member
11 who becomes disabled after June 30, 2000, the 1925 fund shall be used
12 to pay a pension in a sum determined by the local board, but not
13 exceeding fifty-five percent (55%) of the salary of a first class
14 patrolman, to a member of the police department who has suffered or
15 contracted a mental or physical disease or disability:

16 (1) that is not described in subsection (b)(1); and

17 (2) that renders the member unable to perform the essential
18 functions of any duty in the police department, considering
19 reasonable accommodation to the extent required by the
20 Americans with Disabilities Act.

21 If a member who becomes eligible for a disability pension has more
22 than twenty (20) years of service, the member is entitled to receive a
23 disability pension equal to the pension the member would have
24 received if the member had retired on the date of the disability.

25 (d) The member must have retired from active service after a
26 physical examination by the police surgeon or another surgeon
27 appointed by the local board. The disability must be determined solely
28 by the local board after the examination and a hearing conducted under
29 IC 36-8-8-12.7. A member shall be retained on active duty with full pay
30 until the member is retired by the local board because of the disability.

31 (e) After a member has been retired upon pension, the local board
32 may, at any time, require the retired member to again be examined by
33 the police surgeon or another surgeon appointed by the local board.
34 After the examination the local board shall conduct a hearing under
35 IC 36-8-8-12.7 to determine whether the disability still exists and
36 whether the retired member should remain on the pension roll. The
37 retired member shall be retained on the pension roll until reinstated in
38 the service of the police department, except in case of resignation. If
39 after the examination and hearing the retired member is found to have
40 recovered from the member's disability and to be again fit for active
41 duty, then the member shall be put on active duty with full pay and
42 from that time is no longer entitled to payments from the 1925 fund. If
43 the member fails or refuses to return to active duty, the member waives
44 all rights to further benefits from the 1925 fund.

45 (f) **The amendments made to this subsection (formerly**
46 **subsection (d)) by P.L.171-1990 apply to all benefits paid after**



1 **March 15, 1990.** If the salary of a first class patrolman is increased or
 2 decreased, the pension payable shall be proportionately increased or
 3 decreased. However, the monthly pension payable to a member or
 4 survivor may not be reduced below:

5 (1) the amount of the first full monthly pension received by that
 6 person; or

7 (2) fifty-five percent (55%) of the salary of a first class patrolman;
 8 whichever is greater.

9 (g) Time spent receiving disability benefits is considered active
 10 service for the purpose of determining retirement benefits until the
 11 member has a total of twenty (20) years of service.

12 (h) A fund member who is receiving disability benefits under
 13 subsection (a) or (c) shall be transferred from disability to regular
 14 retirement status when the member becomes fifty-five (55) years of
 15 age.

16 (i) A fund member who is receiving disability benefits under
 17 subsection (b) is entitled to:

18 (1) receive a disability benefit for the remainder of the fund
 19 member's life; and

20 (2) have the amount of the disability benefit computed under
 21 section 9 of this chapter when the fund member becomes
 22 fifty-five (55) years of age.

23 SECTION 42. IC 36-8-6-9.8, AS AMENDED BY P.L.28-2008,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]: Sec. 9.8. (a) Benefits paid under this section are
 26 subject to section 1.5 of this chapter.

27 (b) The 1925 fund shall be used to pay funeral benefits to the heirs
 28 or estate of an active or a retired member of the police department who
 29 has died from any cause, in an amount fixed by ordinance, but at least
 30 twelve thousand dollars (\$12,000).

31 **(c) The amendments made to this section by P.L.28-2008 apply**
 32 **only to benefits payable with respect to a member of the 1925**
 33 **police pension fund who dies after June 30, 2008.**

34 SECTION 43. IC 36-8-7-12.1, AS AMENDED BY P.L.62-2006,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2011]: Sec. 12.1. (a) Benefits paid under this section are
 37 subject to section 2.5 of this chapter.

38 (b) A member who has been in service twenty (20) years, upon
 39 making a written application to the fire chief, may be retired from all
 40 service with the department without a medical examination or
 41 disability. Except as provided in subsection (f), the local board shall
 42 authorize the payment to the retired member of fifty percent (50%) of
 43 the salary of a fully paid first class firefighter of the unit at the time of
 44 the payment of the pension, plus:

45 (1) for a member who retires before January 1, 1986, two percent

46 (2%) of that salary for each year of service; or



(2) for a member who retires after December 31, 1985, one percent (1%) of that salary for each six (6) months of service; over twenty (20) years. However, the pension in one (1) year may not exceed an amount greater than seventy-four percent (74%) of the salary of a fully paid first class firefighter.

(c) A member who is discharged from the fire department after having served at least twenty (20) years is entitled to receive the amount equal to the amount that the member would have received if the member retired voluntarily.

(d) All pensions in a class are on an equal basis. The local board may not depart from this chapter in authorizing the payment of pensions.

(e) The monthly pension payable to a member may not be reduced below the amount of the first full monthly pension received by that person.

(f) **This subsection (formerly subsection (g)), as added by P.L.171-1990, applies to all benefits paid after March 15, 1990.** The monthly pension payable to a member who is transferred from disability to regular retirement status may not be reduced below fifty-five percent (55%) of the salary of a fully paid first class firefighter in the unit at the time of the payment of the pension.

(g) A benefit payable under this section shall be paid in not less than twelve (12) monthly installments.

(h) A fund member who is receiving disability benefits under section 11(d) or 11(f) of this chapter shall be transferred from disability to regular retirement status when the member becomes fifty-five (55) years of age.

(i) A fund member who is receiving disability benefits under section 11(e) of this chapter is entitled to:

- (1) receive a disability benefit for the remainder of the fund member's life; and
- (2) have the amount of the disability benefit computed under section 11(e) of this chapter when the fund member becomes fifty-five (55) years of age.

SECTION 44. IC 36-8-7-13, AS AMENDED BY P.L.28-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) Benefits paid under this section are subject to section 2.5 of this chapter.

(b) Upon the death of a disabled, retired, or discharged member of the fire department who was receiving or entitled to receive a pension at the time of the member's death, or upon the death of a member in active service at the time of the member's death, the local board shall authorize and pay out of the 1937 fund at least twelve thousand dollars (\$12,000) as death benefits.

(c) The death benefit described under this section shall be paid:

- (1) to the surviving spouse;



1 (2) if there is no surviving spouse, to the surviving children; and
 2 (3) if there is no surviving spouse, and if there are no surviving
 3 children, to the estate;
 4 of the deceased member and is in addition to other benefits paid to a
 5 member or survivor under this chapter.

6 **(d) The amendments to this section made by P.L.28-2008 apply**
 7 **only to benefits payable with respect to a member of the 1937**
 8 **firefighters' pension fund who dies after June 30, 2008.**

9 SECTION 45. IC 36-8-7.5-13.8, AS AMENDED BY P.L.28-2008,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 13.8. (a) Benefits paid under this section are
 12 subject to section 1.5 of this chapter.

13 (b) The 1953 fund shall be used to pay twelve thousand dollars
 14 (\$12,000) to the beneficiary or estate of a member of the fund, active
 15 or retired, who:

16 (1) dies from any cause after having served for one (1) year or
 17 more as an active member of the police department; or

18 (2) dies from any cause while in the actual discharge of the
 19 member's duties as a police officer after having served less than
 20 one (1) year as an active member of the police department.

21 Any member of the fund may name a beneficiary to receive the amount
 22 provided for upon the member's death by designating in writing in such
 23 form as is prescribed by the local board and delivered to the board. The
 24 beneficiary may be changed from time to time by the member by
 25 canceling the designation and delivering a new designation to the local
 26 board. If the member makes no designation of beneficiary, the sum
 27 provided for shall be paid to the member's estate.

28 **(c) The amendments to this section made by P.L.28-2008 apply**
 29 **only to benefits payable with respect to a member of the 1953**
 30 **police pension fund who dies after June 30, 2008.**

31 SECTION 46. IC 36-8-8-10.5 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2011]: **Sec. 10.5. The amendments made to**
 34 **section 10 of this chapter by P.L.232-1997 apply only to members**
 35 **of the 1977 fund who initially:**

36 (1) become fifty-five (55) years of age; or

37 (2) retire;

38 **after June 30, 1997.**

39 SECTION 47. IC 36-8-8-12.2 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2011]: **Sec. 12.2. The amendments made to**
 42 **sections 12 and 13.5 of this chapter by P.L.32-2009 and by**
 43 **P.L.34-2009 apply to a member of the 1977 police officers' and**
 44 **firefighters' pension and disability fund who:**

45 (1) after June 30, 2009, receives a benefit based on a
 46 determination that the member has a Class 1 or Class 2



1 impairment, regardless of whether the determination was
 2 made before, on, or after June 30, 2009; and
 3 **(2) before July 1, 2009, has not had the member's disability**
 4 **benefit recalculated under section 13.5 of this chapter (as the**
 5 **section read before amendment by P.L.32-2009 and by**
 6 **P.L.34-2009).**

7 SECTION 48. IC 36-8-8-16, AS AMENDED BY P.L.28-2008,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2011]: Sec. 16. (a) Benefits paid under this section are subject
 10 to section 2.5 of this chapter.

11 (b) The heirs or estate of a fund member is entitled to receive at
 12 least twelve thousand dollars (\$12,000) upon the fund member's death.

13 **(c) The amendments made to this section by P.L.28-2008 apply**
 14 **only to benefits payable with respect to a member of the 1977**
 15 **police officers' and firefighters' pension and disability fund who**
 16 **dies after June 30, 2008.**

17 SECTION 49. IC 36-8-10-11.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11.5. **(a) This section**
 19 **applies only to county police officers and jail employees who suffer**
 20 **an injury or contract an illness after June 30, 1991.**

21 ~~(a)~~ **(b)** As used in this section, "care" includes:

- 22 (1) medical and surgical care;
- 23 (2) medicines and laboratory, curative, and palliative agents and
- 24 means;
- 25 (3) X-ray, diagnostic, and therapeutic service, including service
- 26 during the recovery period; and
- 27 (4) hospital and special nursing care if the physician or surgeon
- 28 in charge considers it necessary for proper recovery.

29 ~~(b)~~ **(c)** After deducting expenditures paid by an insurance or
 30 worker's compensation program, a county shall pay for the care of the
 31 following persons:

- 32 (1) A county police officer who:
- 33 (A) suffers an injury; or
- 34 (B) contracts an illness;
- 35 while the officer is on duty or while the officer is off duty and is
- 36 responding to an offense or a reported offense.
- 37 (2) A jail employee who:
- 38 (A) suffers an injury; or
- 39 (B) contracts an illness;
- 40 while the employee is on duty.

41 ~~(c)~~ **(d)** Expenditures required by subsection ~~(b)~~ **(c)** shall be paid
 42 from the general fund of the county.

43 SECTION 50. IC 36-8-10-12.3 IS ADDED TO THE INDIANA
 44 CODE AS A NEW SECTION TO READ AS FOLLOWS
 45 [EFFECTIVE JULY 1, 2011]: **Sec. 12.3. The amendments made to**
 46 **section 12.2 of this chapter by P.L.51-2006 apply to an employee**



beneficiary of a county retirement plan established under section 12 of this chapter who dies in the line of duty after December 31, 2005.

SECTION 51. IC 36-8-10-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16.3. (a) This section applies to a surviving spouse of an employee beneficiary who:

(1) died before July 1, 2005; and

(2) was a member of a retirement plan established under section 12 of this chapter.

(b) A monthly pension paid under section 16(c) of this chapter, before its amendment by P.L.97-2005, to a surviving spouse after the date the surviving spouse remarried and before July 1, 2005, shall be treated as properly paid.

(c) The monthly pension of a surviving spouse:

(1) who remarried after December 31, 1989; and

(2) whose monthly pension paid under section 16(c) of this chapter, before its amendment by P.L.97-2005, ceased on the date of remarriage;

shall be reinstated on July 1, 2005, under section 16 of this chapter, as amended by P.L.97-2005, and continue during the life of the surviving spouse.

SECTION 52. IC 36-8-12-6, AS AMENDED BY P.L.174-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) Each unit that has a volunteer fire department shall procure insurance in the name of and for the benefit of each member of the department. However, if a contract or agreement exists between a unit and a volunteer fire department, the contract or agreement must provide for insurance of the volunteer firefighters and emergency medical services personnel in the department in the amounts and with the coverages required by this chapter. Unless the contract or agreement stipulates otherwise, all insurance coverage must be under a group plan, rather than in the name of each individual firefighter and member of the emergency medical services personnel. Either the unit or the volunteer fire department, according to the contractor agreement, may undertake procurement of required insurance, but in either case, the costs of coverage must be borne by the unit. If a volunteer fire department serves more than one (1) unit under a contract or agreement, each unit that the department serves shall pay the amount for the insurance coverage determined under the following formula:

STEP ONE: For each census block or other area in a unit that is served by more than one (1) volunteer fire department, divide the population of the area by the number of volunteer fire departments serving the area, and round the quotient to the nearest one thousandth (.001).



1 STEP TWO: Add the quotients determined under STEP ONE for
2 the unit.

3 STEP THREE: Determine the sum of the STEP TWO amounts for
4 all of the units served by the same volunteer fire department.

5 STEP FOUR: Divide the STEP TWO amount for a unit by the
6 STEP THREE amount and round the quotient to the nearest one
7 thousandth (.001).

8 STEP FIVE: Multiply the costs of the insurance coverage for the
9 volunteer fire department by the quotient determined under STEP
10 FOUR, rounded to the nearest dollar.

11 **This formula, as added by P.L.70-1995, applies to insurance**
12 **policies that are entered into or renewed after December 31, 1995.**

13 (b) A diminution of insurance benefits may not occur under this
14 section because of a change in the insurance carrier or a change as to
15 who actually procures the required insurance.

16 (c) Each unit that has a volunteer fire department may procure an
17 insurance policy for the benefit of auxiliary groups whose members
18 could be injured while assisting the volunteer firefighters and
19 emergency medical services personnel in the performance of their
20 duties.

21 (d) Each unit that has a volunteer fire department may procure an
22 insurance policy or any other type of instrument that provides
23 retirement benefits as an incentive to volunteer firefighters and
24 emergency medical services personnel for continued service.

25 (e) An insurance policy or other instrument containing any of the
26 provisions authorized by subsection (d) may not be considered in the
27 computation of nominal compensation for purposes of this chapter.

28 (f) A volunteer firefighter or member of the emergency medical
29 services personnel who becomes covered by an insurance policy or
30 other instrument containing any of the provisions authorized by
31 subsection (d) does not thereby become eligible for membership in the
32 public employees' retirement fund under IC 5-10.3.

33 (g) If a unit fails to provide the insurance for a volunteer firefighter
34 or member of the emergency medical services personnel that this
35 chapter requires it to provide, and a volunteer firefighter or member of
36 the emergency medical services personnel suffers a loss of the type that
37 the insurance would have covered, then the unit shall pay to that
38 volunteer firefighter or member of the emergency medical services
39 personnel the same amount of money that the insurance would have
40 paid to the volunteer firefighter or member of the emergency medical
41 services personnel.

42 SECTION 53. THE FOLLOWING ARE REPEALED [EFFECTIVE
43 JULY 1, 2011]: P.L.35-1985, SECTION 35; P.L.46-1985, SECTION
44 4; P.L.48-1985, SECTION 3; P.L.376-1985, SECTION 2;
45 P.L.223-1986, SECTION 5; P.L.18-1987, SECTION 117; P.L.18-1987,
46 SECTION 118; P.L.62-1987, SECTION 2; P.L.347-1987, SECTION



1 2; P.L.378-1987, SECTION 14; P.L.378-1987, SECTION 15;
 2 P.L.27-1988, SECTION 6; P.L.42-1988, SECTION 5; P.L.45-1988,
 3 SECTION 4; P.L.46-1988, SECTION 15; P.L.197-1988, SECTION 2;
 4 P.L.40-1989, SECTION 51; P.L.40-1989, SECTION 52; P.L.57-1989,
 5 SECTION 2; P.L.334-1989, SECTION 41; P.L.344-1989, SECTION
 6 27; P.L.357-1989, SECTION 37; P.L.171-1990, SECTION 3;
 7 P.L.185-1990, SECTION 11; P.L.71-1991, SECTION 19;
 8 P.L.228-1991, SECTION 2; P.L.35-1992, SECTION 2; P.L.70-1995,
 9 SECTION 13; P.L.104-1995, SECTION 13; P.L.104-1995, SECTION
 10 14; P.L.214-1995, SECTION 3; P.L.282-1995, SECTION 6;
 11 P.L.232-1997, SECTION 2; P.L.22-1998, SECTION 27; P.L.66-2000,
 12 SECTION 2; P.L.184-2001, SECTION 10; P.L.246-2001, SECTION
 13 19; P.L.291-2001, SECTION 127; P.L.69-2002, SECTION 4;
 14 P.L.191-2002, SECTION 3; P.L.190-2003, SECTION 6; P.L.224-2003,
 15 SECTION 189; P.L.95-2004, SECTION 18; P.L.28-2005, SECTION
 16 3; P.L.28-2005, SECTION 4; P.L.62-2005, SECTION 10;
 17 P.L.157-2005, SECTION 3; P.L.159-2005, SECTION 4; P.L.220-2005,
 18 SECTION 11; P.L.246-2005, SECTION 235; P.L.33-2006, SECTION
 19 4; P.L.51-2006, SECTION 6; P.L.144-2007, SECTION 28;
 20 P.L.180-2007, SECTION 14; P.L.180-2007, SECTION 15;
 21 P.L.180-2007, SECTION 16; P.L.201-2007, SECTION 2; P.L.5-2008,
 22 SECTION 3; P.L.28-2008, SECTION 5; P.L.124-2008, SECTION 4;
 23 P.L.124-2008, SECTION 6; P.L.128-2008, SECTION 10;
 24 P.L.131-2008, SECTION 70; P.L.32-2009, SECTION 4; P.L.34-2009,
 25 SECTION 4.

